

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LLOYD F. AUDETTE,

Plaintiff,

v.

UMASS CORRECTIONAL HEALTH PROGRAM, a
program of the UNIVERSITY OF
MASSACHUSETTS MEDICAL SCHOOL; and
AUGUSTIN ENAW, M.D.,

Defendants.

CIVIL ACTION
NO. 05-10403-DPW

THIRD JOINT STATUS REPORT

Plaintiff, Lloyd Audette (“Mr. Audette”), and defendants, UMass Correctional Health and Augustin Enaw, M.D. (collectively, “UMCH”), respectfully submit the following Third Joint Discovery Status Report and Proposed Revised Pretrial Schedule:

I. STATUS REPORT

1. On or about November 28, 2006, Mr. Audette filed a Motion to Amend Complaint to add as defendants the following persons: Philip Tavares, M.D., Mark Schnabel, N.P., and Angela D’Antonio, N.P., all affiliated with UMCH, as well as David Stone, M.D. and Ioana Bica, M.D., both doctors who consulted or otherwise treated Mr. Audette’s HIV and/or HCV conditions during the relevant time period. Both UMCH and Drs. Stone and Bica have filed oppositions to that motion, and Mr. Audette has moved for leave to file a reply brief addressing the issues raised in those oppositions. The Motion to Amend, the oppositions, and Mr. Audette’s motion for leave to file a reply brief are now pending before the Court.

2. On or about December 15, 2006, the parties filed a Joint Motion to Stay Discovery pending the Court’s decision on Mr. Audette’s Motion to Amend Complaint. As

grounds for the Joint Motion, the parties explained that if the Court allows Mr. Audette's Motion to Amend Complaint, then it is likely that the proposed defendants, Drs. Stone and Bica, would seek to conduct discovery of the allegations against them, and that the discovery schedule would need to be adjusted accordingly. It is defendant UMCH's position that all non-expert discovery as to claims against UMCH defendants has been completed (with the exception of the previously noticed 30(b)(6) deposition of UMCH) and no further fact discovery as to these defendants should be conducted without leave of court. The Joint Motion is now pending before the Court.

3. On or about December 21, 2006, with the assent of UMCH, Mr. Audette and the Department of Correction ("DOC") filed a Stipulation of Dismissal with Prejudice dismissing defendants Kathleen M. Dennehy and Lois Russo pursuant to a settlement agreement between Mr. Audette and the DOC. On or about December 21, 2006, with the assent of the DOC, Mr. Audette and UMCH filed a Stipulation of Dismissal Without Prejudice dismissing defendant Charles Black.

Respectfully submitted,
LLOYD F. AUDETTE,
 By his attorneys,

Respectfully submitted,
**UMASS CORRECTIONAL HEALTH and
 AUGUSTIN ENAW, M.D.,**
 By their attorneys,

/s/ T. Peter R. Pound

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Dated: January 5, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel for each other party electronically via the CM/ECF system on January 5, 2007.

/s/ T. Peter R. Pound

T. Peter R. Pound